

#417
1 BILL NO. G-90-02-24

2 GENERAL ORDINANCE NO. G-06-90

3 AN ORDINANCE amending the Thoroughfare
4 Plan of the City Comprehensive ("Master")
5 Plan by vacating a water & sewer easement.

6 WHEREAS, a petition to vacate a dedicated water and
7 sewer easement within the City of Fort Wayne (as more
8 specifically described below) was duly filed with the City
9 Planning Commission; and

10 WHEREAS, said Commission duly held a public hearing
11 thereon; and

12 WHEREAS, said Commission has duly forwarded its
13 recommendation to this body approving said petition, all in
14 accordance with I.C. 36-7-4-512(2) and this body having held
15 a public hearing on said vacation as provided in I.C. 36-7-
16 4-12; and

17 WHEREAS, this body concurs in the recommendation of the
18 City Planning Commission.

19 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
20 THE CITY OF FORT WAYNE, INDIANA:

21 SECTION 1. That the petition filed herein to vacate a
22 dedicated water and sewer easement within the City of Fort
23 Wayne, more specifically described as follows, to-wit:

24 The south fifteen (15) feet of Lots 1 and 2 of
25 Summit Industrial Park, except for the ten (10)
most eastern feet of Lot 2 and the ten (10) most
western feet of Lot 1,

26 and which vacating amends the Thoroughfare Plan of the City
27 Comprehensive ("Master") Plan and is hereby approved in all
28 respects.

29 SECTION 2. That this Ordinance shall be in full force
30 and effect from and after its passage, any and all necessary
31 approval by the Mayor.
32

#417

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Janet H. Bradbury
COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

J.T. McCaulay
J. TIMOTHY MCCAULAY, CITY ATTORNEY

** Public hearing to be held on Tuesday,
the 27th day of March, 1990,
in the Council Chambers.

Sandra E. Kennedy
Sandra E. Kennedy, City Clerk

FOUR STAR BOND
SOUTHWORTH CITY, U.S.A.
25% COTTON FIBER

Read the first time in full and on motion by _____, seconded by _____, and duly adopted, read the second time by title and referred to the Committee on Regulation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____ the _____, day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 2-27-90

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Brady, seconded by Harmon, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>8</u>			<u>1</u>
<u>BRADBURY</u>	<u>✓</u>			
<u>BURNS</u>	<u>✓</u>			
<u>EDMONDS</u>	<u>✓</u>			
<u>GIAQUINTA</u>	<u>✓</u>			
<u>HENRY</u>	<u>✓</u>			
<u>LONG</u>				<u>✓</u>
<u>REDD</u>	<u>✓</u>			
<u>SCHMIDT</u>	<u>✓</u>			
<u>TALARICO</u>	<u>✓</u>			

DATED: 3-27-90

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. M-06-90 on the 27th day of March, 1990

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Charles S. Reed
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of March, 1990, at the hour of 11:30 o'clock A. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 28th day of March, 1990, at the hour of 3:45 o'clock PM M., E.S.T.

PAUL HELMKE
PAUL HELMKE, MAYOR

Date Filed: February 9, 1990

Vacation Petition

I/We Fort Wayne Redevelopment Commission
(Applicant's Name or Names)

PETITION TO VACATE A fifteen (15) foot water and sewer easement
(Street, Alley, Utility Easement, Plat,
adjacent to Matrix Way
Other)

TO: THE CITY PLAN COMMISSION
CITY OF FORT WAYNE, INDIANA

The undersigned petitioner(s), do (does) hereby respectfully petition the Fort Wayne City Plan Commission to vacate the following fifteen (15) foot water and sewer easement with the City of Fort Wayne, Indiana, and hereby described as follows:
easement adjacent to Matrix Way

The south fifteen feet of Lots 1 and 2 of Summit Industrial Park, except for
the ten (10) most eastern feet of Lot 2 and the ten (10) most western feet of
Lot 1.

(Legal Description of property being vacated) If additional space is needed use reverse side.)

In support thereof, your petitioner(s) would represent as follows:

(List reasons for requesting vacation.)

This water and sewer easement is adjacent to Matrix Way in Summit Industrial
Park. The Redevelopment Commission is in the process of having Matrix Way
vacated and owns all of the real estate adjacent to this water and sewer ease-
ment. The Redevelopment Commisjsion has an offer to purchase Lots 1,2,3,4 and
6 of Summit Industrial Park.

(If additional space is needed use reverse side.)

This offer is subject to the vacation of this utility easement.
Your petitioner(s) file this petition pursuant to the authority
granted in Indiana Code, and provisions of local ordinance, in
order to complete the vacation as described.


WHEREFORE, your petitioner(s) pray that the above described
water and sewer easement be vacated according to the provisions
of the Indiana Law pertaining thereto.

DATED THIS 9th DAY OF February 19 90

Fort Wayne Redevelopment Commission
Adjacent Property Owner
Typed Name

1 Main St. Rm. 840 City-County Bldg.
Address 46802 Zip

Signature


Adjacent Property Owner
Typed Name

Address Zip

Signature

Legal Description of Property:

Additional Reasons for Vacation Request:

Owners of Adjacent Property:

_____	_____	_____
_____	_____	_____
_____	_____	_____

Adjacent	Property	Address/Zip	Signature
Owners TYPED Name			


NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

This form is to be filed in duplicate.

AGENT:

_____

Name

1 Main St. - Rm. 840 City-County Bldg.

Street Address

Fort Wayne, IN 46802

City/State/Zip

(219) 427-1127

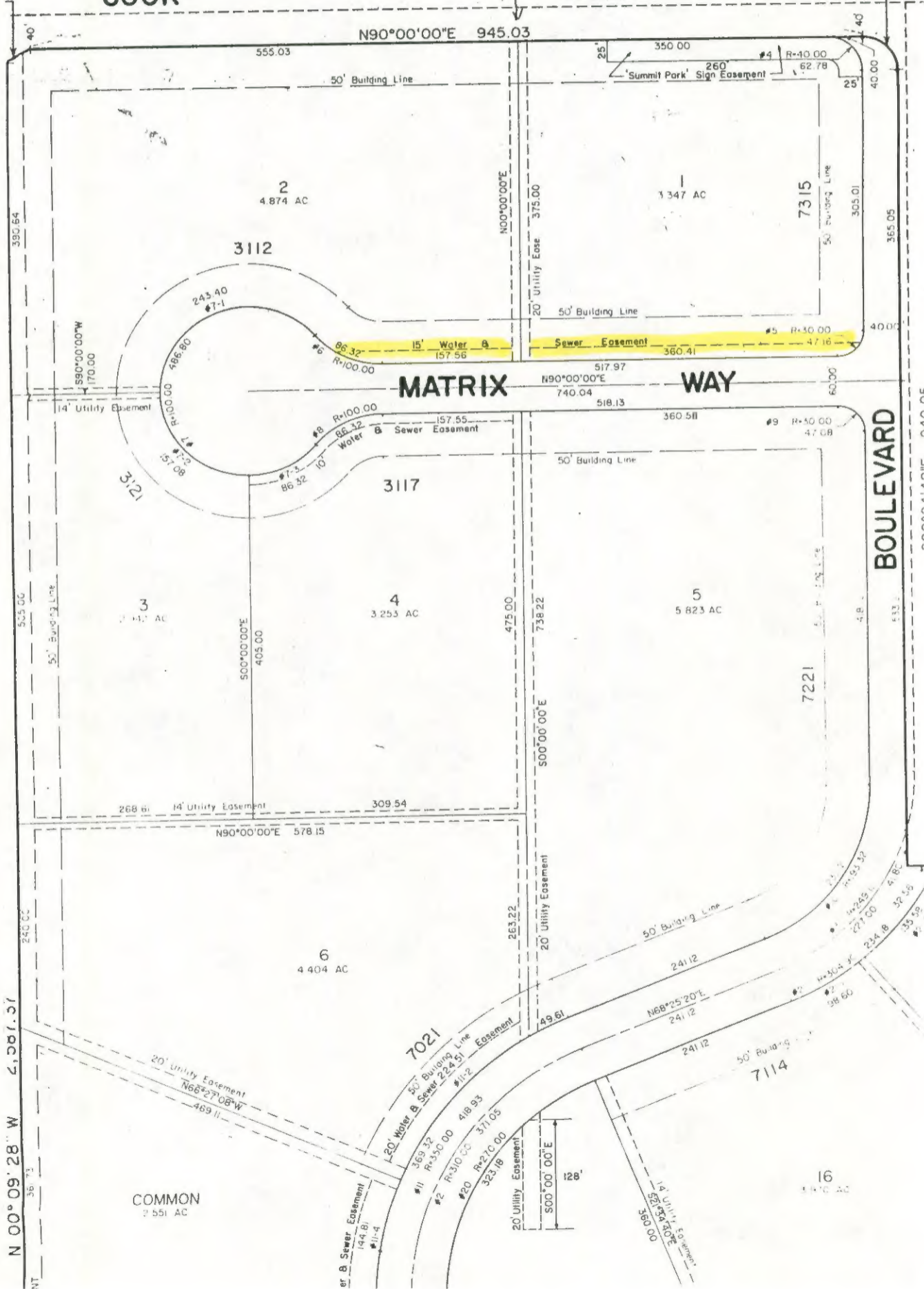
Phone

S JR., MAYOR

COOK

ROAD

#1 R=40.00 62.78
Δ=89°55'20"
C=56.53 B=545°02'20"E



#417
RESOLUTION 78-189-6

WHEREAS, the FORT WAYNE REDEVELOPMENT COMMISSION has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following water and sewer easement situated in Fort Wayne, Allen County, to-wit:

The south 15 feet of Lots 1 and 2 of Summit Industrial Park, except for the 10 most eastern feet of Lot 2 and the 10 most western feet of Lot 1,

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of the water and sewer easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said water and sewer easement hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said water and sewer easement hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of public water and sewer easement or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)

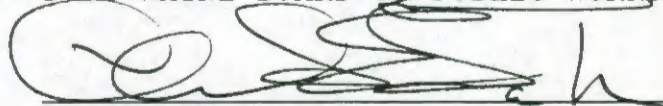
) SS:

COUNTY OF ALLEN)

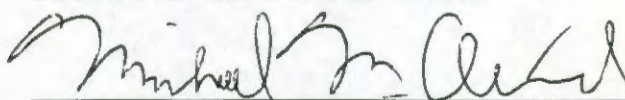
I, Charles E. Layton, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held March 7 1990 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 7th DAY OF March 1990

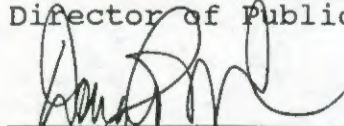
FORT WAYNE BOARD OF PUBLIC WORKS



Charles E. Layton
Director of Public Works



Michael McAlexander
Director of Public Safety



Douglas M. Lehman
Director of Administration & Finance

4/17

WHEREAS, the FORT WAYNE REDEVELOPMENT COMMISSION has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following water and sewer easement situated in Fort Wayne, Allen County, to-wit:

The south 15 feet of Lots 1 and 2 of Summit Industrial Park, except for the 10 most eastern feet of Lot 2 and the 10 most western feet of Lot 1,

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said public hearing was held on February 26, 1990 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said water and sewer easement.

WHEREAS, said vacation of the water and sewer easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said water and sewer easement hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said water and sewer easement hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said water and sewer easement or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.


BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said water and sewer easement in Allen County, Indiana.

STATE OF INDIANA)) SS:
COUNTY OF ALLEN)

I, Robert Hutner, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held March 5, 1990, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 6 DAY OF March 1990

FORT WAYNE CITY PLAN COMMISSION


Robert Hutner
Secretary

ORIGINAL

ORIGINAL

DIGEST SHEET

#417
TITLE OF ORDINANCE Water & Sewer Easement Vacation Ordinance

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE The South fifteen feet of Lots 1 & 2 of Summit

Industrial Park, except for the ten (10) most easetern feet of Lot 2 and
the ten (10) most wester feet of Lot 1.

D-90-02-24

EFFECT OF PASSAGE Property is presently a dedicated utility easement.

Property will be vacated and revert to the adjacent property owners.

EFFECT OF NON-PASSAGE Property will remain a dedicated utility easement.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____

Division of Community Development & Planning

BRIEF TITLE

APPROVAL DEADLINE

REASON

Water & Sewer Easement Vacation

DETAILS

Specific Location and/or Address

Summit Industrial Park

Reason for Project

Future sale of lots.

Discussion (Including relationship to other Council actions)

26 February 1990 - Public Hearing

Ron Fletcher, Director of the Fort Wayne Redevelopment Commission appeared before the Commission. Mr. Fletcher stated that the Redevelopment Commission owns in Summit Industrial Park Lots 1, 2, 3, 4 & 6. He stated that they are requesting the vacation of the easements and right-of-way to allow the Commission to sell the parcels as one parcel for one development.

There was no one else present who wished to speak in favor of or in opposition to the proposed vacation.

5 March 1990 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the seven members present six (6) voted in favor of the motion, one (1) did not vote.

Motion carried.

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/
Proponents

Applicant(s)
Fort Wayne Redevelopment
Commission
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff
Recommendation
☒ For ☐ Against

Reason Against

Board or
Commission
Recommendation

By

☒ For ☐ Against
☐ No Action Taken

☐ For with revisions to conditions
 (See Details column for conditions)
CITY COUNCIL
ACTIONS(For Council
use only)
☐ Pass ☐ Other
☐ Pass (as
amended) ☐ Hold
☐ Council Sub. ☐ Do not pass

BILL NO. G-90-02-24

REPORT OF THE COMMITTEE ON REGULATIONS

JANET G. BRADBURY, CHAIRPERSON
DAVID C. LONG, VICE CHAIRMAN
EDMONDS, SCHMIDT, TALARICO

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the Thoroughfare
Plan of the City Comprehensive ("Master") Plan by vacating
a water & sewer easement

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~) _____

DO PASS

DO NOT PASS

ABSTAIN

NO REC

Janet M. Bradbury
David C. Long

Cletus Edmonds

Samuel J. Talarico

DATED: 3-27-90

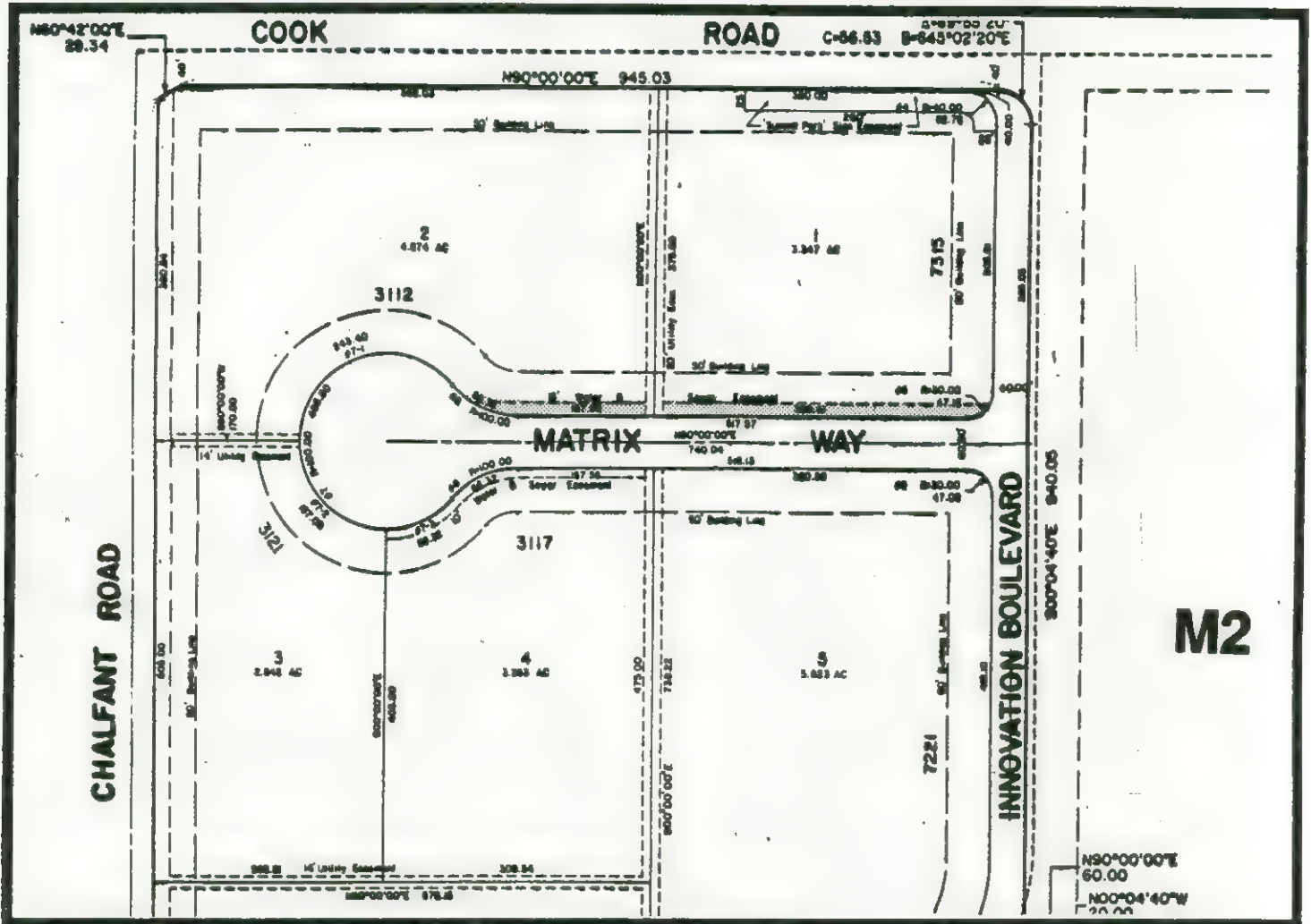
Sandra E. Kennedy
City Clerk

VACATION PETITION #417

A PETITION TO VACATE THE DESCRIBED FIFTEEN FOOT WATER & SEWER EASEMENT.

MAP NO. I-42

COUNCILMANIC DISTRICT NO. 3



ZONING:

M2 LIGHT INDUSTRY

LAND USE:



COMMERCIAL

SCALE: NTS

DATE: 2-6-90





THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

March 14, 1990

Ms. Connie Lambert
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the date of March 17, 1990, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-90-02-22
Right of Way Vacation

Bill No. G-90-02-23 (as amended)
Water and Sewer Easement

Bill No. G-90-02-24)
Water and Sewer Easement

Bill No. G-90-02-25 (as amended)
Utility Easement

Bill No. G-90-02-26 (as amended)
Utility Easement

Please send us 3 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 5

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-90-02-24)

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, March 27, 1990, at 7:00 P.M., in Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:

Summit Industrial Park - Future sale of
of lots - Councilmanic District #3
Water and Sewer Easement

The south fifteen (15) feet of Lots 1 and 2
of Summit Industrial Park, except for the ten
(10) most eastern feet of Lot 2 and the ten (10)
most western feet of Lot 1.

All interested persons are invited to appear and be heard.

Fort Wayne Common Council

A handwritten signature in cursive script, appearing to read "Sandra E. Kennedy".

Sandra E. Kennedy
City Clerk

Fort Wayne Common Council
(Governmental Unit)

To: The Journal-Gazette Dr.
P.O. Box 100
Fort Wayne, IN

Allen County, Indiana

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

3
15
4
22

COMPUTATION OF CHARGES

22 lines, 1 columns wide equals 22 equivalent lines
at .33 cents per line

\$ 7.26

Additional charge for notices containing rule or tabular work
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

1.00

TOTAL AMOUNT OF CLAIM

\$ 8.26

DATA FOR COMPUTING COST

Width of single column 12.5 ems

Number of insertions 1

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: March 17, 1990

Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)

) ss:

Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned Nicole Allred who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time(s), the dates of publication being as follows:

3/17/90

Subscribed and sworn to before me this 17th day of March, 1990

Notary Public Whitley County, IN

My commission expires: March 3, 1994

SHELLEY R. LARUE

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-90-02-24)

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, March 27, 1990, at 7:00 P.M. in room 128, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:

Summit Industrial Park - Future sale of lots.
Councilmanic District #3 - Water and Sewer assessment

The south fifteen (15) feet of Lots 1 and 2 of Summit Industrial Park, except for the ten (10) most eastern feet of Lot 2 and the ten (10) most western feet of Lot

All interested persons are invited to appear and be heard.

Fort Wayne Common Council
Sandra E. Kennedy
City Clerk

Fort Wayne Common Council

To: The News-Sentinel

Dr.

(Governmental Unit)

P.O. Box 100

Allen

Fort Wayne, IN

County, Indiana

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set) -- number of equivalent lines

Head -- number of lines

3

Body -- number of lines

15

Tail -- number of lines

4

Total number of lines in notice

22

COMPUTATION OF CHARGES

22 lines, 1 columns wide equals 22 equivalent lines at .33 cents per line

7.26

Additional charge for notices containing rule or tabular work (50 percent of above amount)

1.00

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

8.26

TOTAL AMOUNT OF CLAIM

DATA FOR COMPUTING COST

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Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)

) ss:

Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned Nicole Allred who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time (s), the dates of publication being as follows:

3/17/90

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Notary Public Whitley County, IN
SHELLEY R. LARUE

My commission expires: March 3, 1994

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FORT WAYNE COMMON COUNCIL
(BILL NO. G-90-02-24)

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Summit Industrial Park - Future sale of lots, including District #3 - Water and Sewer treatment
The south fifteen (15) feet of Lots 1 and 2 of Summit Industrial Park, except for the ten (10) most eastern feet of Lot 2 and the ten (10) most western feet of Lot 1

All interested persons are invited to appear and be heard.

Fort Wayne Common Council
Sandra E. Kennedy
City Clerk